

To: Erin Foresman/R9/USEPA/US@EPA[]
From: "Nepstad, Michael G SPK"
Sent: Tue 11/29/2011 10:49:49 PM
Subject: FW: 408 Process Question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

FYI

Michael G. Nepstad
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-----Original Message-----

From: Nepstad, Michael G SPK
Sent: Tuesday, November 29, 2011 2:49 PM
To: 'Enos, Cassandra'
Subject: FW: 408 Process Question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

As a suggestion I'd recommend that you query all of the teams working on BDCP prior to each of our permit meetings and if they may have issues, invite them to come to those meetings and get their permit questions on the agenda, rather than wait for them to realize they don't know some answers two days before an executive meeting and then frantically request a last minute meeting which won't allow us with any detail or time to give a worthwhile answer in any case.

Michael G. Nepstad
Deputy Chief, Regulatory Division
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-----Original Message-----

From: Newcomb, James [mailto:jnewcomb@water.ca.gov]

Sent: Tuesday, November 29, 2011 2:33 PM

To: Turner, Claire Marie SPK; Enos, Cassandra

Cc: Nepstad, Michael G SPK; Bahia, Maninder; Kirkland, Marianne

Subject: RE: 408 Process Question (UNCLASSIFIED)

Claire-Marie,

If it's still possible to meet tomorrow, at least informally, I think our group would really benefit from your input. We're all new to this process and it's possible there are major flaws in our assumptions. We're releasing a draft plan to our executives for review 12/1 and I'd like for your input to be part of the timeline we provide in that draft. I would like to propose we meet once tomorrow and then again after we get feedback on our draft?

What do you think?

Feel free to call me if you want to discuss,
(530)908-6082

-----Original Message-----

From: Turner, Claire Marie SPK [mailto:Claire.Marie.Turner@usace.army.mil]

Sent: Tuesday, November 29, 2011 2:26 PM

To: Newcomb, James; Enos, Cassandra

Cc: Nepstad, Michael G SPK; Bahia, Maninder; Kirkland, Marianne

Subject: RE: 408 Process Question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

James,

Mike is not available tomorrow, your group is not available Thursday, so I would suggest Monday, December 5, after 1:00. How does that day look? If that doesn't work, we'll have to postpone until the week of December 19 due to conferences and vacation on our side.

Thanks!

-----Original Message-----

From: Newcomb, James [mailto:jnewcomb@water.ca.gov]

Sent: Tuesday, November 29, 2011 2:16 PM

To: Enos, Cassandra; Turner, Claire Marie SPK

Cc: Nepstad, Michael G SPK; Bahia, Maninder; Kirkland, Marianne
Subject: RE: 408 Process Question (UNCLASSIFIED)

Hi Everyone,

Tomorrow morning works best for Marianne, Manny & myself, with Thursday being a challenge for myself and impossible for Manny. Cassandra, if you can't make a meeting tomorrow, would keeping you in the loop with materials and decisions suffice?

If it's okay with Claire-Marie, I'd like to meet tomorrow at 10:00 AM in West Sac. I'll reserve a room and send out an official invite if the time and place works.

Thanks,

James

-----Original Message-----

From: Enos, Cassandra
Sent: Tuesday, November 29, 2011 2:11 PM
To: 'Claire.Marie.Turner@usace.army.mil'; Newcomb, James
Cc: 'Michael.G.Nepstad@usace.army.mil'
Subject: Re: 408 Process Question (UNCLASSIFIED)

I'm free on Thrs afternoon. Cassandra
Cassandra Enos-Nobriga
Program Manager
Division of Environmental Services

Sent from my Blackberry

----- Original Message -----

From: Turner, Claire Marie SPK <Claire.Marie.Turner@usace.army.mil>
To: Newcomb, James
Cc: Enos, Cassandra; Nepstad, Michael G SPK <Michael.G.Nepstad@usace.army.mil>
Sent: Tue Nov 29 14:00:32 2011
Subject: RE: 408 Process Question (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

James, Cassandra, and Mike,

I am free either tomorrow or Thursday for an informal meeting. It appears that Mike is pretty booked tomorrow so Thursday may be better. We can do here or there.

-----Original Message-----

From: Newcomb, James [mailto:jnewcomb@water.ca.gov]
Sent: Tuesday, November 29, 2011 10:20 AM
To: Turner, Claire Marie SPK
Cc: Enos, Cassandra; Nepstad, Michael G SPK
Subject: RE: 408 Process Question (UNCLASSIFIED)

Thanks for your response, Claire Marie.

You're not far off base for including Cassandra in your email, as she will undoubtedly be involved as this project moves ahead. However, the fish passage portion of this project is expected to move forward as required by the OCAP BO, which may/will eventually be displaced by the BDCP BO. Regardless of whether it's a requirement under BDCP or OCAP, we'll still need our permitting strategies aligned so that BDCP can seamlessly transition over OCAP actions.

I'll take you up on your offer to discuss this project, but I want to clarify the contents of the plan, which is due 12/31/2011. The plan is simply a roadmap for moving forward with restoration in the Yolo Bypass. It doesn't contain project specific measures. For fish passage, we're proposing a concept that will be vetted through a public scoping process and considered when other alternatives are developed. For floodplain inundation, we're providing technical information which should be useful to the BDCP process, but we're stopping short of proposing any concept. Rather, we're relying on BDCP to move forward and satisfy the floodplain restoration component. Our main reason for relying on BDCP for the floodplain component is that we don't feel it's within our legal authority to flood the bypass over existing conditions and any new increase in flooding should be negotiated through the stakeholder process that BDCP already has in place.

I've cc'd Manny Bahia & Marianne Kirkland since they're part of this planning process. For the meeting, I'd like to provide a quick presentation of the plan's contents and then provide our timelines for the components. Then, we'd really appreciate your feedback.

Do you have time to meet tomorrow? We can host the meeting or travel there. Feel free to propose another day or location.

Thanks,
James

-----Original Message-----

From: Turner, Claire Marie SPK [mailto:Claire.Marie.Turner@usace.army.mil]
Sent: Tuesday, November 29, 2011 9:56 AM
To: Newcomb, James
Cc: Enos, Cassandra; Nepstad, Michael G SPK
Subject: RE: 408 Process Question (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi James,

You ask a fairly straightforward question, unfortunately the response is not as straightforward. The short answer is that you should coordinate with the Corps as early as possible for any 408 action. The 408 action doesn't start at a specific milestone; processing the 408, on the other hand, does start at a specific milestone (really, the culmination of several milestones) and that may be why some folks say you should wait. I would advise against waiting as it is in everyone's interest to have one NEPA document that serves all purposes whenever possible.

I am not clear on what type of plan DWR has to issue to NMFS or if you are referring to the 2011 calendar year that is a month away. Regardless of the plan or deadlines, DWR will need to get proper approvals from the Corps. The type of approval and the processing requirements may and will likely vary depending on what is proposed. If you are putting together a schedule, I strongly suggest we sit down together very soon so that you have a realistic understanding of what the Corps will need.

Are you working with Cassandra Enos? It's my understanding she is the permitting lead for BDCP/DHCCP but

maybe that's incorrect and she is the lead for the conveyance pieces only. Either way, she and I are working together on permitting and it may be beneficial that all three of us work together if you will be point on permitting for the BDCP.

Please let me know what I can do to assist you. I have copied Mike Nepstad who is the regulatory lead for the BDCP/DHCCP from Sacramento District, as well as Cassandra.

Thanks!
Claire Marie

Claire Marie Turner

Project Manager, Flood Protection and Navigation Section
Operations and Readiness Branch, Sacramento District
U.S. Army Corps of Engineers
Claire.Marie.Turner@usace.army.mil
(916) 557-6723

-----Original Message-----

From: Newcomb, James [mailto:jnewcomb@water.ca.gov]
Sent: Monday, November 28, 2011 1:11 PM
To: Turner, Claire Marie SPK
Subject: 408 Process Question

Hi Claire,

In spite of attending one of your 408 workshops, I have a question regarding the 408 process. DWR and USBR are tasked with restoration in the Yolo Bypass which entails 1) providing better fish passage and 2) greater availability of floodplain habitat. For Fish Passage we will have to construct four 20' - 100' wide notches with gates attached through Fremont Weir. For Floodplain Inundation we will have to construct one much wider and deeper notch through Fremont Weir about 250' - 600' wide. Because the projects have separate utility and varying complexity we're developing an individual EIR/EIS for each.

My question involves integrating the 408 process with our CEQA/NEPA compliance. I've heard varying opinions about when you can start the 408. Can we initiate the 408 process with a Draft EIR/EIS or do we have to wait for a ROD/NOD for each project? I'm asking because we have to issue a plan to NMFS by the end of the year, and I'm trying to estimate the timeline.

Thanks,

James (530)908-6082

James Newcomb, Senior Environmental Scientist

Habitat Restoration Section, Ecological Studies Branch

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